

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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BIORESOURCE, INC.,

Plaintiff-Appellee,

and

OPPMAC, INC.,

Intervening Plaintiff-Appellant,

v

CITY OF DETROIT, JOE VASSALLO, PAUL  
BERNARD, FREDERICK ROTTACH,  
CENTRAL MAINTENANCE SERVICES, INC.,  
SAM FODALE, JERRY FODALE,

Defendants-Appellees,

and

STATE OF MICHIGAN and DIAMOND  
DISMANTLING, INC.,

Defendants.

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BIORESOURCE, INC.,

Plaintiff-Appellant,

and

OPPMAC, INC.,

Intervening Plaintiff-Appellee,

v

CITY OF DETROIT, JOE VASSALLO, PAUL

UNPUBLISHED  
September 28, 2004

No. 241137  
Wayne Circuit Court  
LC No. 01-123531-CH

ON RECONSIDERATION

No. 241168  
Wayne Circuit Court  
LC No. 01-123531-CH

BERNARD, FREDERICK ROTTACH, SAM  
FODALE, JERRY FODALE, and STATE OF  
MICHIGAN,

Defendants-Appellees,

and

CENTRAL MAINTENANCE SERVICES, INC.  
and DIAMOND DISMANTLING, INC.,

Defendants.

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Before: Borrello, P.J., and White and Smolenski, JJ.

SMOLENSKI, J. (*dissenting*).

I respectfully dissent because I do not believe that the facts on the record support a determination that Oppmac redeemed the property in question. In all other aspects, I agree with the majority opinion.

/s/ Michael R. Smolenski